

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**EXHIBIT NETWORK
INTERNATIONAL, LTD.**

PLAINTIFF,

VS.

UNION INSURANCE COMPANY

DEFENDANT.

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CIVIL ACTION NO. 4:19-cv-4221

**DEFENDANT UNION INSURANCE COMPANY'S
NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Union Insurance Company ("Union") respectfully petitions this Court for removal of the above-entitled action to the United States District Court for the Southern District of Texas from the 165th Judicial District Court of Harris County, Texas, and for its Notice of Removal states:

**I.
PROCEDURAL HISTORY**

1. This action, entitled *Exhibit Network International, LTD. v. Union Insurance Company*, pending in the 165th Judicial District Court of Harris County, Texas, Cause No. 2019-70786, was commenced against Union via the filing of Plaintiff's Original Petition (the "Petition") on or about September 27, 2019.

2. Union was served on October 4, 2019. Accordingly, this notice of removal is timely

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filed pursuant to 28 U.S.C. § 1446(b).

3. Plaintiff alleges causes of action against Union for breach of contract, violations of the Texas Deceptive Trade Practices Act, violations of the Texas Insurance Code, and breach of the common law duty of good faith and fair dealing. *See* Exhibit A, Plaintiff's Original Petition. Plaintiff seeks actual damages plus attorneys' fees, court costs, statutory penalty damages, exemplary and/or treble damages, pre-judgment interest, post-judgment interest, and additional damages. *See id.*

II. VENUE

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because the state court where the suit has been pending is located in this district and division

III. CITIZENSHIP OF THE PARTIES AND JURISDICTION

5. Upon information and belief, Plaintiff is a limited liability company organized under the laws of the state of Texas, with its principal place of business at 3434 Lang Road, Houston, Texas 77092. Upon information and belief, the members of Plaintiff are RBF Management, LLC, a limited liability company, and Kathleen O. Maartens, an individual and citizen of Texas. Upon information and belief, the members of RBF Management, LLC are Kathleen Maartens, an individual and citizen of Texas, and Leonard H. Maartens, Jr., an individual and citizen of Texas. Because all of Plaintiff's members are citizens of Texas, Plaintiff is considered a citizen of Texas.

6. Union is a corporation organized under the laws of the State of Iowa with its principal place of business in the State of Iowa. Union is now, and was at the time this action was

commenced, a citizen of the State of Iowa. Thus, removal is proper because there is complete diversity among the named parties under 28 U.S.C. § 1332

IV.
AMOUNT IN CONTROVERSY

7. “Plaintiff seeks monetary relief of over \$100,000.00.” *See* Exhibit A, Plaintiff’s Original Petition at ¶ 1. Thus, the amount in controversy requirement of 28 U.S.C. § 1332(a) is satisfied.

V.
ATTACHMENTS

8. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Union in the state court action are attached to this notice. *See* Exhibit A.

VI.
NOTICE TO STATE COURT

9. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this notice of removal will promptly be given to all parties and to the clerk of the 165th Judicial District Court of Harris County, Texas.

VII.
JURY DEMAND

10. Pursuant to Federal Rule of Civil Procedure 38, Union demands a trial by jury.

VIII.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Union respectfully gives notice that this state court action has been removed and placed on this Court’s docket for further proceedings. Union further requests any additional relief to which it may be justly entitled.

Respectfully submitted,

s/ Jennifer G. Martin

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ATTORNEY FOR DEFENDANT

UNION INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was forwarded to all counsel of record in accordance with the Federal Rules of Civil Procedure on this 25th day of October, 2019.

James M. McClenny

J. Zachary Moseley

Sean Patterson

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/s/ Jennifer G. Martin

JENNIFER G. MARTIN